

# **AGENDA**

## **CITY COUNCIL OF THE CITY OF BATH, MAINE**

Regular Meeting  
Wednesday, May 2, 2018 6:00pm  
City Council Chambers, Bath City Hall

*We encourage your comments and views, and appreciate your participation in your local government.*

A. Pledge of Allegiance

B. Roll Call

*Presentation of City Chair and Proclamation to Officer Michael Lever of the Bath Police Department for his 43 ½ years of service for the citizens of Bath.*

*Proclamation: Arbor Week, May 20<sup>st</sup>-26<sup>th</sup>*

C. Public Hearing:

- 1) Ordinance: Chapter 8. Fire Prevention, Article 2. Life Safety and Fire Prevention Codes, Sec. 8-102 and Sec. 8-103. (second passage)
- 2) New Liquor License for Concinnity LLC located at 102 Front Street. (approval)

D. Consent Agenda:

(Items as marked with an asterisk (\*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)

**\*3) Minutes of the previous Council meeting of April 4, 2018 and Item F4. (motion to Accept as Presented)**

E. Time Devoted to Residents to Address The City Council:

F. Orders, Ordinances and Resolutions:

- \*4) Order: Appointing City Arborist/Tree Warden (annual appointment)**
- 5) Order: Approving Purchase of a 2017 freightliner vacuum system for Public Works Department for the total bid price of \$353,255.00. (motion to pass)**
- 6) Resolution: Regarding Community Development Committee (motion to pass)**
- 7) Resolution: Regarding Economic Development Commission (motion to pass)**

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports:

J. Unfinished Business:

K. New Business:

L. Councilor Announcements:

EXECUTIVE SESSION:

Real Estate Matter per 1 MRSA §405(6)(C)- Court Street Right of Way

ADJOURN

## PROCLAMATION

**WHEREAS**, the City of Bath wishes to recognize the 43½ years of service by Police Officer Michael R. Lever of the Bath Police Department, and,

**WHEREAS**, Michael is the son of Robert and Ann Lever, and attended schools in Lewiston graduating from Lewiston High School in 1971, the University of Maine – Augusta in 1973 with an Associate in Law Enforcement and the Maine Criminal Justice Academy 1974 and,

**WHEREAS**, he was appointed to the position of Patrol Officer in 1974, promoted to Corporal in 1976 and Acting Sergeant in 1998-1999 for the City of Bath and,

**WHEREAS**, Michael retired from the Bath Police Department on January 31, 2018, seeing numerous commendations and accomplishments, including:

- 1998 Officer of the Year for the Bath Police Department and the 1999 American Legion Award Smith-Tobey Post 21 of Bath 1999 for many years of excellent service.

- Letters of Commendation for his exemplary work in responding to and securing crime scenes, in investigations and successful conclusions of burglaries cases, some of the highlights being: comforting a lost 7 year old and reuniting him with his loved ones, giving calming support that brought a suicidal situation to a successful conclusion, solving the Stinson's Cannery Arson case, executing a proficient investigation of the burglary/vandalism case at Morse High School.

- Numerous letters of thanks and appreciation from the District Attorney for investigations of offenses – as an Efficient and Professional Officer, the Bath Fire Department for helping in emergency situations, for Drivers' Education Presentations to school students and from grateful victims of various crimes.

- Served as keeper of Jail Logs and Accident Approvals, Intoxilyzer Coordinator and taught Drivers' Education for years.

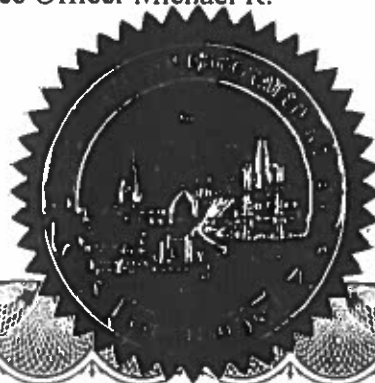
**WHEREAS**, Michael Lever's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism,

**NOW, THEREFORE**, be it proclaimed by the City Council of the City of Bath that the City recognizes the 43½ years of excellent public service by Police Officer Michael R. Lever to the Bath citizenry.

This 2<sup>nd</sup> day of May, 2018.

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Mari H. Eosco, Madame Chairman  
Bath City Council





# PROCLAMATION

## ARBOR WEEK

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 20<sup>th</sup> - 26<sup>th</sup> AS**

## ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

**FURTHER**, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 2<sup>nd</sup> day of May 2018

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Mari H. Eosco, Madame Chair  
City Council of Bath, Maine





## ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

### CHAPTER 8. FIRE PREVENTION

#### Article 2. Life Safety and Fire Prevention Codes

Delete current Sec. 8-102, Standards – Life safety code and outdoor wood boilers.

Replace with new Sec. 8-102, Standards – Life safety code, as follows:

Sec. 8-102. Standards – Life safety code.

- (a) This article incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition, as amended by the State of Maine to avoid conflict with the *Maine Uniform Building and Energy Code* and to make the provisions specific to Maine, as set forth in the Rules of the State Fire Marshal, Chapter 20, Fire Safety in Buildings and Structures.

Sec. 8-103. Fire Prevention Code.

Add at the end of Sec. 8-103, Fire Prevention Code, the following:

In addition, this article incorporates by reference National Fire Protection Association (NFPA) #1, *Uniform Fire Code*, 2006 edition, as amended by the State of Maine, as set forth in the Rules of the State Fire Marshal, Chapter 3, Fire Prevention Code.

*Kirst Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*April 4, 2018*  
RECEIVED READ AND ACCEPT  
☒ TALKED ☒ DEBATED ☒ PASSED ☒ FAILED  
REFERRED TO  
ATTEST *Mary White*

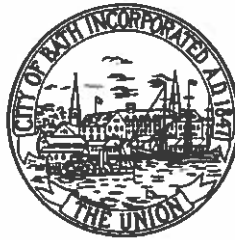




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**CITY OF BATH, MAINE**

City Hall 55 Front Street  
Bath, Me 04530  
[www.cityofbath.com](http://www.cityofbath.com)



**CODES ENFORCEMENT OFFICE**

Phone (207) 443-8334  
FAX (207) 443-8337  
TDD (207) 443-8368

Date: March 27, 2018  
To: City Council  
Cc: Peter Owen, Lawrence Renaud, City Solicitors  
From: Scott Davis, Codes Enforcement Officer  
Re: NFPA 101 update and NFPA 1 adoption

In your packages for the April 4<sup>th</sup> Council Meeting are materials detailing a proposal to adopt an updated edition of NFPA 101- the Life Safety Code and adopt for the first time NFPA 1- The Fire Code.

NFPA 101 is a fire code that specifies fire safety requirements such as building construction type, number of exits, sprinkler systems, fire alarms, travel distances, fire rating of interior finishes, etc. The code is written by the National Fire Protection Association, a model code agency. A new edition is written each three years. The State adopts the new editions when they come out, with amendments, and that code is in effect Statewide. Many towns adopt the code locally as well, as do we. The edition we have on the books is the 1985 edition. Codes like this generally become more stringent with time and recognize new products and technologies. We want to update our version of NFPA 1 to be consistent with the State's, since it's state law and effective statewide. Having an old edition of the code in effect serves no purpose. The State is currently using the 2009 edition of NFPA 101, and we'd like to adopt that locally so ours is consistent with theirs. They are working on adopting the 2018 edition. If/when they do, we'll bring forth a proposal to update ours to be consistent with theirs.

NFPA 1 is a relatively new fire code that contains building fire safety requirements, mostly by referencing NFPA 101, but also contains operational fire safety requirements for things like fuel dispensing, marinas, cutting and welding, storage, dust and explosion hazards, commercial cooking equipment, etc. The State has adopted the 2009 edition of this code, with amendments. We're proposing that we adopt their edition locally.

I'll be at the meeting and will be glad to answer any questions.



# NOTICE

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

the **LIQUOR LICENSE APPLICATION** FOR:

**Concinnity LLC  
102 Front Street  
Ginger Dermott, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MAY 2, 2018 AT 6:02 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATIONS SHOULD OR SHOULD NOT BE APPROVED.

Mary J. White  
CITY CLERK



## **ORDER**

### **APPOINTING CITY ARBORIST/TREE WARDEN**

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the City's infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a City Arborist/Tree Warden annually and,

WHEREAS, said law gives the Arborist/Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Kyle Rosenberg has worked in the capacity of the City Arborist and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Kyle Rosenberg is qualified by virtue of his experience, licensure and position as City Arborist/Tree Warden,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Kyle Rosenberg is hereby appointed as the City Arborist/Tree Warden for one year from this date.



FS

**CITY OF BATH, MAINE**

450 Oak Grove Avenue  
Bath, ME 04530



**DEPARTMENT OF PUBLIC WORKS**

Lee Leiner, P.E., Director  
[lleiner@cityofbath.com](mailto:lleiner@cityofbath.com)  
207.443.8357  
fax 207.443.8352

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**MEMORANDUM**

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**TO:** BATH CITY COUNCIL  
**FROM:** LEE LEINER, PUBLIC WORKS DIRECTOR  
**SUBJECT:** COUNCIL APPROVAL OF STREET SWEEPER PURCHASE  
**DATE:** APRIL 24, 2018  
**CC:** PETER OWEN, CITY MANAGER

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The Public Works Department publicly solicited bids and has accepted a bid proposal from HP Fairfield for a 2017 Freightliner / Camel Maxx 900 Vacuum / Flusher truck. The equipment will replace a 1990 Ford L-8000 Leach Vac-All Unit and will be used for cleaning catch basins, manholes, sewers, and storm drains. The proposal includes the trade-in of the existing equipment. The price of the new vacuum truck is \$349,990.00 and the trade-in value is \$2500.00, an extended 5 year warranty \$5765.00 bringing the net purchase price to \$353,255.00.

The public approved a bond to fund various sewer improvements in November 2015. The purchase of this equipment was planned to be within that bond. The account to be used for the purchase is 07-0703-753.

Staff recommends the council approve this order.





**ORDER  
APPROVING PURCHASE**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF H. P. FAIRFIELD, AS SUPPLIER FOR A 2017 FREIGHTLINER WITH A CAMEL 900 MAXXX/1145D VACUUM SYSTEM, FOR THE TOTAL BID PRICE OF \$353,255.00, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY, APPROPRIATE, OR CONVENIENT TO COMPLETE THE PURCHASE ON BEHALF OF THE CITY OF BATH. THIS PURCHASE IS FUNDED FROM SEWER FUND CAPITAL EXPENDITURE BOND ACCOUNT 07-0703-753.



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## **RESOLUTION REGARDING COMMUNITY DEVELOPMENT COMMITTEE**

**WHEREAS**, the City Council of the City of Bath, by Resolution at its meeting on June 16, 1992, established a Committee known as the Bath Community Development Block Grant Committee; and

**WHEREAS**, over the years this has become known as the Community Development Committee; and

**WHEREAS**, the establishment of the Committee lacked specificity regarding categories of memberships and terms; and

**WHEREAS**, the City Council is interested in reestablishing the Committee with a working membership.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath that the Community Development Committee be repopulated through appointments made by the Bath City Council with membership to reflect the following categories:

City Councilor  
City Councilor  
Banking representative  
Banking representative  
Real Estate representative  
Bath Housing Authority representative  
Non-profit organization representative  
Main Street Bath representative  
Assistant City Manager (Ex Officio)  
Director of Planning & Development (Ex Officio)

The terms shall be three (3) years running from July 1<sup>st</sup> through June 30<sup>th</sup>. The initial appointment shall be for staggered terms of one (1) year, two (2) years, and three (3) years, as determined by the Council in their initial appointments and all terms thereafter shall be three (3) year terms.

To the extent that the original Resolution establishing the Committee conflicts with any of the provisions of this Resolution, those original Resolution provisions shall be superseded.



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## **RESOLUTION REGARDING ECONOMIC DEVELOPMENT COMMISSION**

**WHEREAS**, the City Council of the City of Bath, on May 7, 2003, adopted a Resolution establishing the Economic Development Commission; and

**WHEREAS**, the Resolution did not create terms for the members of the Commission; and

**WHEREAS**, the Commission needs to be repopulated and the Commission's functions reactivated.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath that the membership of the Commission shall be appointed by the City Council and consist of the following:

- Three City Councilors
- Business representative
- Development representative
- BIW representative
- Main Street Bath representative
- Maine Maritime Museum representative
- City Manager (Ex Officio)
- Director of Planning & Development (Ex Officio)

Each member shall serve a three (3) year term commencing on July 1<sup>st</sup> and running through June 30<sup>th</sup>. Each appointment shall be for three (3) years. The initial appointments by City Council shall be designated specifically as one (1), two (2), and three (3) year terms and all appointments thereafter shall be for three (3) year terms.

To the extent that the original Resolution establishing the Commission conflicts with any of the provisions of this Resolution, those original Resolution provisions shall be superseded.

